S.B. CRIMINAL MISC. PETITION NO.1137/2006

Date of order : 4.4.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. V.D. Kalla, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.
Mr. Bharat Srimali on behalf of
Mr. Shambhoo Singh, for the respondents.

The case has come up for orders on application filed by the petitioner, correcting the name of the petitioner as Jiteshwar Prasad.

It is contended by the learned counsel for the petitioner that due to typographical mistake, the name of Jiteshwar Prasad was typed as Jitendra Prashad Vyas in the petition as well as in the affidavit.

Learned counsel for the respondents states that challan has already been filed in the matter. Therefore, no interference is warranted in the matter.

However, at this juncture, learned counsel for the petitioner wants to withdraw the petition and prays that petitioner may be granted liberty to raise all his objection at the time of taking cognizance.

In the circumstances, no case for quashing of FIR is made out because challan has already been filed in the court. Accordingly, the misc. petition is dismissed. However, the petitioner is at liberty to take all his objections at the time of taking cognizance.

(GOPAL KRISHAN VYAS), J.

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